

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|-------------------------------------|---|--------------------------|
| Christopher Hudson, #284870, |) | |
| |) | C/A No. 3:06-2215-MBS |
| Petitioner, |) | |
| |) | |
| vs. |) | |
| |) | OPINION AND ORDER |
| Elaine Pinson, Warden of Walden |) | |
| Correctional Institution; and Henry |) | |
| McMaster, Attorney General of the |) | |
| State of South Carolina, |) | |
| |) | |
| Respondents. |) | |
| |) | |

Petitioner Christopher Hudson is an inmate in custody of the South Carolina Department of Corrections who currently is housed at Walden Correctional Institution in Columbia, South Carolina. Petitioner filed the within petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on August 7, 2006.

This matter is before the court on motion for summary judgment filed by Respondents on October 16, 2006. On October 17, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the summary judgment procedure and the possible consequences if he failed to respond adequately. Petitioner filed a response to the motion on November 3, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On April 20, 2007, the Magistrate Judge issued a Report and Recommendation in which he recommended that Respondents' motion for summary judgment be granted and the § 2254 petition be dismissed. Petitioner filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Respondents' motion for summary judgment (Entry 6) is **granted** and the case dismissed.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
May 16, 2007

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.